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PATENT
Docket No. 12090-000016/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Johan ULIN, et al.	Conf.:	7386
Appl. No.:	10/539,045	Group:	1772
Filed:	March 6, 2006	Examiner:	Dennis White
For:	VESSEL FOR PERFORMING MICROWAVE- ASSISTED CHEMISTRY ON SMALL VOLUMES OF REAGENTS		

February 2, 2011

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In reply to the Notice of Non-Compliant Appeal Brief mailed January 21, 2011, Applicants attach hereto a summary of claimed subject matter, referencing the instant specification, as requested in the Notice.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By

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Attachments: Summary of Claimed Subject Matter
Notice of Non-Compliant Appeal Brief



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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 01/21/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

Matter no.	12090-000016/US
Action Due Date	2/21/11
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Attorney	AC/DK DKT/Verify

HDP DC 01/24/11 1223

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/539,045

Applicant(s)

Ulin, Johan

Examiner

White, Dennis

Art Unit

1772



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 23 December 2010 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The Summary of Claimed Subject Matter does not map independent claims 15 & 29 to the specification by page, line number and to the drawings, (the independent claims can NOT be mapped to the PG. Publication), the entire brief is not needed only the corrected section.

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571-272-9797



V. **SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 15 is directed to a micro-vial assembly for performing microwave-assisted chemical reactions on small mixture volumes. The micro-vial assembly may include a micro-wave transparent reaction vessel (e.g., element 10) having an open upper end and a closed bottom end, a cap (e.g., element 40) having a through hole, a sealing diaphragm (e.g., element 30), and a sleeve (e.g., element 20). **See FIGS. 2 and 3.** The sleeve 20 may be formed with a through hole so that the reaction vessel 10 may extend axially through the sleeve.¹ The cap 40 may extend over the diaphragm 30 and the sleeve 20 so as to secure the reaction vessel to the sleeve while clamping the diaphragm for sealing the open upper end of the vessel.² The open upper end of the vessel may be formed with a widening portion, wherein the widening portion is received in a corresponding recess formed in an end plane of the sleeve, and the recess providing a seat for the widening portion in the open upper end of the vessel.³ As such, the geometry in the upper end of the reaction vessel may facilitate reflux of liquid and minimize the risk of solvent and/or reaction mixture sticking to the inner surface of the reaction vessel.⁴

Independent claim 29 is directed to a micro-vial assembly for performing microwave-assisted chemical reactions on small mixture volumes. The micro-vial assembly may include a cap (e.g., element 40) having a through hole, a sealing, elastic diaphragm (e.g., element 30), and a sleeve (e.g., element 20) having a through hole. **See FIGS. 2 and 3.** The cap, the diaphragm, and the sleeve may be configured to be assembled with a micro wave transparent reaction vessel (e.g., element 10)

¹ See page 5, lines 23-25 of the instant specification.

² See page 6, lines 14-18 and lines 21-24 of the instant specification.

³ See page 5, lines 14-22 of the instant specification.

⁴ See page 5, lines 1-4, of the instant specification.

having an open upper end and a closed bottom end, so that upon assembly, the reaction vessel may extend axially through the sleeve.⁵ In addition, the cap may extend over the diaphragm and the sleeve to secure the vessel to the sleeve and clamp the diaphragm for sealing the open upper end of the reaction vessel.⁶ The open upper end of the reaction vessel may be formed with a widening portion, wherein the widening portion may be received in a corresponding recess formed in an end plane of the sleeve, and the recess may provide a seat for the widening portion in the open upper end of the vessel.⁷

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⁵ See page 4, line 19 – page 5, line 11 of the instant specification.

⁶ See page 6, line 14 – page 7, line 2 of the instant specification.

⁷ See page 5, lines 14-22 of the instant specification.